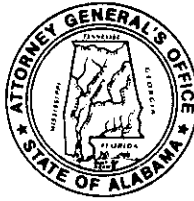


OFFICE OF THE ATTORNEY GENERAL



81-00042

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ATTORNEY GENERAL
STATE OF ALABAMA

OCT 23 1980

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Mr. Lucius D. Amerson
Sheriff Macon County
Tuskegee, Alabama 36083

Law Enforcement - Arrest -
Warrent

Who may sign complaint in felony
cases discussed.

Dear Sheriff Amerson:

This office is in receipt of your opinion request of September 23, 1980 in which you asked the following two questions: 1) Must all complaints in felony cases be signed by Sheriff's deputies? 2) If deputies must sign the complaint, will they be liable if at a later date the victim refuses to testify?

In answer to your first question, I can find no authority which would require that a deputy or other officer sign the complaint in a felony case. Code of Alabama 1975, §15-7-2 requires only that the person who makes the complaint and/or his witnesses present facts to the issuing magistrate which tend to show that a crime has been committed and that the defendant committed the crime. Whether the facts are provided by a victim, a deputy or some other person is of no apparent importance.

In answer to your second question, the fact that any representations made by a deputy are reviewed by a magistrate before any arrest warrant issues should, absent other facts, protect a deputy from liability.

Mr. Lucius D. Amerson
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I hope the above fully answers your questions. If
not please do not hesitate to contact this office.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-

A handwritten signature in cursive script, appearing to read "John Gibbs", written over a horizontal line.

JOHN GIBBS
Assistant Attorney General

JG/js